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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,519	03/14/2001	James L. Fenno	3997-28	4523

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EXAMINER
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LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/809,519

Applicant(s)

FENNO ET AL.

Examiner

Arrienne M. Lezak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-18,21,23,24 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-18,21,23,24 and 27-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Examiner notes that Claims 27-31 have been added, Claims 1, 14 & 21 amended and Claims 4, 19, 20, 22, 25 & 26 have been cancelled. Claims not explicitly addressed herein are found to be addressed within prior Office Action dated 27 July 2004 as reiterated herein below.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-18, 21, 23, 24, and Newly Added Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent US 6,272,572 B1 to Backhaus in view of US Patent US 6,343,315 B1 to Stoel in further view of US Patent US 6,222,530 B1 to Sequeira. The combined teachings of Backhaus, Stoel and Sequeira are relied upon throughout this office action.

4. Regarding Newly Amended Claims 1, 14 & 21, Original Claims 5, 11, 12, 15-16 & 18 and Newly Added Claims 28-31, Backhaus discloses a system and method for providing information and entertainment services over a network, (Fig. 1-2 and Abstract), comprising:

- a plurality of slave subsystems having a plurality of slave hosts and including at least a first slave subsystem having a first slave host and a second slave subsystem having a second slave host, each of said plurality of slave subsystems being associated with a group of objects in at least one facility and in which said first slave subsystem is associated with a first group of objects and said second slave subsystem is associated with a second group of objects, each of said slave hosts being involved with a first set of functions, (Figs.1-2; Col. 1, lines 49-55; and Col. 3, lines 14-56);
- a master host being involved with a second set of functions, (Figs.1-2; Col. 1, lines 49-55; and Col. 3, lines 14-56);
- a communications interface that enables communications between each of said plurality of slave hosts and said master host, (per pending Claims 15 & 22), wherein the master host is an intermediary communication point between the slave hosts and the management system, (per pending Claims 11, 16, Newly Amended Claim 21 & New Claims 30 & 31), (Figs.1-2; Col. 1, lines 49-55; and Col. 3, lines 14-56), (Examiner notes that Backhaus discloses a host intermediary wherein re-formatting, interpreting and incorporating of daemons would obviously be required for proper and effective communication between parties);
- providing video content and enabling an Internet connection by said master host based on a request from said first slave host, (per pending Claims 12, 18 & New Claim 27), (Figs.1-2; Col. 1, lines 49-55; Col. 2, lines

31-33 & Col. 3, lines 14-56) – Examiner notes that the Internet is an external network, that connection to the Internet is obviously done through and IP address, and that a public connection to the Internet would obviously be controlled in some way, (i.e.: firewall), such that it would have been obvious to route all Internet communication through one portal (i.e.: master host);

- receiving information by said master host from said plurality of slave hosts, identifying said slave hosts, and relating to preparing statistical reports, (per pending Claim 5), (Figs.1-2; Col. 1, lines 49-55; Col. 3, lines 14-56; and Col. 7, lines 25-67 and Col. 8, lines 1-19 – Examiner notes that the polling, checking and storing functionalities incorporated within Backhaus would render obvious the receipt of information for report preparation purposes); and
- a plurality of master host subsystems connected to and in communication with said master host, (per pending Claim 14), (Figs.1-2; Col. 1, lines 49-55; and Col. 3, lines 14-56).

5. The Backhaus patent, though applied to an airline, is obvious to other embodiments, (Backhaus - Col. 2, lines 9-23), such as Stoel. Stoel discloses a system and method for the integration of different devices, (including interactive devices), into a system constructed of a plurality of guest terminal subsystems, which system provides information and/or entertainment, and can be conveniently installed in a hotel or other lodging complex, (Stoel - Figs. 1-2; Col. 2, lines 2-57; and Col. 4, lines 35-57). The

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motivation to combine is the ability to configure or customize systems per the specific lodging facility needs within a master/slave, system/subsystem configuration, (Stoel – Col. 2, lines 2-57).

6. Though the Backhaus patent discloses audio and video signal distribution via a server network hub, (Backhaus - Col.2, lines 31-37), which Examiner finds to obviously read upon a digital content server environment, Examiner further cites Sequeira.

Sequeira discloses a master/slave media server environment system wherein failure of the master component does not bring down the entire system, as the slave is associated with an individual media server, (Sequeira – Col. 2, lines 48-67; Col. 3, lines 1-25; & Col. 4, lines 7-14). The motivation to combine is to avoid single point failure causing the entire broadcast system to go down, (Sequeira – Col. 2, lines 17-22).

Examiner further notes that these combined teachings render obvious direct communication between a slave or a master and a management/front desk terminal, or multiple management/front desk terminals, (per newly added Claims 28 & 29). Thus, Newly Amended Claims 1, 14 & 21, Original Claims 5, 11, 12, 15-16 & 18 and Newly Added Claims 28-31 are found to be unpatentable over the combined teachings of Backhaus in view of Stoel in further view of Sequeira.

7. Regarding Claims 2, 3 & 17, Backhaus discloses a system and method for providing information and entertainment services over a network, (Fig. 1-2 and Abstract), wherein said plurality of master host subsystems includes a number of the following: property management system, a (front office) terminal, an Internet router and a modem, (per pending Claim 2); and wherein said second set of functions includes a

plurality of the following: controlling communications between said property management system and the plurality of slave hosts, (per pending Claim 17); supervising access to other (front office) terminal(s) to enable terminal related communications to be received by a desired slave host of said plurality of slave hosts; securing connection to the Internet (network) for one or more of said plurality of slave hosts; and obtaining a connection to said modem, (per pending Claim 3), (Col. 3, lines 13-56). Examiner notes that Applicant's specifically enumerated host subsystems and related functions would have been obvious in view of the teachings of Backhaus alone or in combination with Stoel, as such teachings disclose the ability to facilitate communications within a master/slave system, wherein said system further provides multiple additional functionalities throughout multiple additional networks. Thus, Claims 2, 3 & 17 are found to be unpatentable over the combined teachings of Backhaus in view of Stoel in further view of Sequeira.

8. Regarding Claim 13, Backhaus discloses a system and method for providing information and entertainment services over a network, (Fig. 1-2 and Abstract), wherein said plurality of master host subsystems includes at least a first digital content receiver (DCR) and at least said first slave subsystem includes a first digital content server (DCS) and in which said first slave subsystem downloads content from said DCR to said DCS, and wherein multiple slave subsystems download content at different times, (per pending Claim 13), (Col. 3, lines 13-56). Examiner notes that Applicant's specifically enumerated digital content communication capabilities would have been obvious in view of the teachings of Backhaus alone or in combination with Stoel, as such teachings

disclose the ability to facilitate communications within a master/slave system, wherein said system further provides multiple additional functionalities throughout multiple additional networks, which networks would obviously include digital content acquisition, storage and communication functionalities, wherein said functionalities would obviously be limited by system capabilities such that load balancing and transmission capabilities would obviously dictate content distribution. Further, Examiner notes that digital multimedia communication was well known in the art at the time of invention by Applicant. Thus, Claim 13 is found to be unpatentable over the combined teachings of Backhaus in view of Stoel in further view of Sequeira

9. Regarding Claims 6-8, 23 & 24, Backhaus discloses a system and method for providing information and entertainment services over a network, (Fig. 1-2 and Abstract), wherein said master host stores (room) map information that correlates each room of the lodging facility with one of said slave hosts, (per pending Claims 6 & 23), and wherein said master host has menu information including related to identification of said first slave host as being responsible for the first group (of rooms), menu options involved with producing reports to obtain data from each of said slave hosts, and menu options that allow configuration changes to be propagated to all of said slave hosts, (per pending Claims 7 & 24), and wherein said master host is used to install changes to said slave hosts, (per pending Claim 8), (Col. 3, lines 13-56). Examiner notes that Applicant's specifically enumerated menu and menu option functionalities would have been obvious in view of the teachings of Backhaus alone or in combination with Stoel, as such teachings disclose the ability to facilitate communications within a master/slave



system per location within the same. Thus, Claims 6-8, 23 & 24 are found to be unpatentable over the combined teachings of Backhaus in view of Stoel in further view of Sequeira.

10. Regarding Claim 9, Backhaus discloses a system and method for providing information and entertainment services over a network, (Fig. 1-2 and Abstract), wherein said first set of functions includes: controlling game engine operations for a predetermined group (of rooms) of at least one (lodging) facility; controlling playing of movies for a predetermined group (of rooms) of at least one (lodging) facility; receiving transaction information associated with a predetermined group (of rooms) of at least one (lodging) facility; and storing guest information associated with a predetermined group (of rooms) of at least one (lodging) facility, (Col. 3, lines 13-56). Examiner notes that Applicant's specifically enumerated slave functions would have been obvious in view of the teachings of Backhaus alone or in combination with Stoel, as such teachings disclose the ability to provide services and facilitate communications within a master/slave system. Thus, Claim 9 is found to be unpatentable over the combined teachings of Backhaus in view of Stoel in further view of Sequeira.

11. Regarding Claims 10, Backhaus discloses a system and method for providing information and entertainment services over a network, (Fig. 1-2 and Abstract), wherein each of said slave hosts is associated with host-specific configurations and global configurations and in which said host-specific configurations include information related to an Internet browser service including a number of browsers to be associated with each of said slave hosts, (per pending Claim 10), (Col. 3, lines 13-56). Examiner notes

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that Applicant's specifically enumerated host-specific and global Internet communication capabilities would have been obvious in view of the teachings of Backhaus alone or in combination with Stoel, as such teachings disclose the ability to facilitate communications within a master/slave system, wherein said system further provides multiple additional functionalities throughout multiple additional networks, which networks obviously include the Internet. Moreover, as is well known in the art, individual communication capabilities often cause individual financial obligations, identification of which obligations would obviously be facilitated via specified browser access. Further, limited access to particular browsers would have been obvious and necessary in light of the need for load balancing within a network. Thus, Claim 10 is found to be unpatentable over the combined teachings of Backhaus in view of Stoel in further view of Sequeira.

### ***Response to Arguments***

12. Applicant's arguments filed 27 October 2004, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made.

13. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

14. Examiner has addressed Applicant's Amendment, and has further rejected all Amended, Original and Newly Added Claims, as noted herein above. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

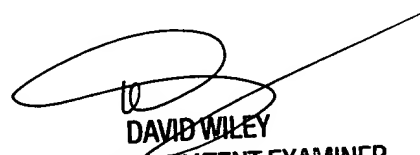
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak  
Examiner  
Art Unit 2143

AML



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